

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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**JUAN CANDELARIA, 89-T-5069,**

**Plaintiff,**

**04-CV-0277E(Sr)**

**v.**

**LAURENCE HIGLEY, , et al.,**

**Defendants.**

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**ORDER OF PRELIMINARY  
PRETRIAL CONFERENCE**

A preliminary pretrial conference will be held by telephone on **Thursday, April 2, 2009 at 10:30 a.m.**

At the conference, the parties shall be expected to discuss all pretrial matters referred to in Rule 16(a), (b), (c) and (e) of the Federal Rules of Civil Procedure, and Local Rule 16.1. In particular, the parties shall be expected to discuss the possibility of an early settlement of the action without the necessity of further proceedings. The parties will also inform the court about the status of all discovery which either has been completed or scheduled as of the date of the conference.

The Attorney General should contact the Great Meadow Correctional Facility and arrange for the plaintiff to have access to a telephone and plaintiff's legal papers at that time. The Attorney General should contact the Magistrate Judge's Chambers **prior** to the conference with the telephone number and extension of the plaintiff. **The Court will initiate the call.** Defendants' counsel need not appear personally but can participate by telephone from his or her office.

The Magistrate Judge is available to conduct any or all proceedings in a jury or non-jury civil matter and to order the entry of judgment in the case pursuant to 28 U.S.C. §636(c). Attached hereto is a Notice or Right to Consent to Disposition of a Civil Case by a United States Magistrate Judge, together with a consent form, for consideration by the parties. **The parties are encouraged to consider and act favorably on such consents; however, it is emphasized that there will be no substantive adverse consequences should the parties elect not to do so.** Counsel are directed to discuss this option with their clients **prior** to the scheduled pretrial conference in this case and advise the Court at the conference.

If any party believes that further discovery and/or settlement conferences would serve any useful purpose, the party should advise my office and one will be promptly scheduled.

Plaintiff should note that failure to respond to this order or to otherwise comply with the Federal Rules of Civil Procedure or any other order of this court may result in a dismissal of this action on the merits. It is the plaintiff's responsibility to keep the court informed of his/her current address.

**SO ORDERED.**

**DATED: Buffalo, New York  
February 24, 2009**

**S/ H. Kenneth Schroeder, Jr.  
H. KENNETH SCHROEDER, JR.  
United States Magistrate Judge**